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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	. ATTORNEY DOCKET NO.	CONFIRMATION NO:
10/655,588	09/05/2003	Willy Lagwinski	PP-19681.002	7324
7590 02/05/2007 Alisa A. Harbin Chiron Corporation			EXAMINER	
			SINES, BRIAN J	
P.O. Box 8097 Emeryville, CA			ART UNIT	PAPER NUMBER
<b></b> ,,			1743	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
31 DAYS		02/05/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Expensions of mem rayby be windles under the provided used for the provided under the provided of the provided under the provided of the provided under the provid							
### Examiner   Brian J. Sines   1743    - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply    A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - States of the previous process of the provision of 37 CPR 1.745(b). In one event, however, may a way be stimely fixed in 11 to provide for the year of the provision of 17 CPR 1.745(b). In one event, however, may a way be stimely fixed in 11 to provide for the year of the provision of 17 CPR 1.745(b). In one event, however, may a way be stimely fixed in 11 to provide for the year of the communication to become ABANDONED (35 U.S.C § 133).  - The Responsive to communication(s) filled on		Application No.	Applicant(s)				
Brian J. Sines   1743	Office Action Comments	10/655,588	LAGWINSKI ET AL.				
Previol for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Bearenated in the may be available under the provision of 30 °FR 11360, in no event, newer, may any by the limely find  If NO period for right is specified above, the maximum situatory period will apply and will expres SIX (8) MONTHS from the mailing date of this communication.  Fallute to reply within the set or resided period for right is specified above, the maximum situatory period will apply and will expres SIX (8) MONTHS from the mailing date of this communication.  Fallute to reply within the set or resided period for regive its pecified above, the maximum situatory period will apply and will expres SIX (8) MONTHS from the mailing date of this communication.  Fallute to reply within the set or resided period for regive its pecified above, the maximum situatory period will apply and will expres SIX (8) MONTHS from the mailing date of this communication.  Fallute to reply within the set or residence in a second state of the communication, even if timely field, may reduce any center glateria.  Prior and the prior of the second state of the communication, even if timely field, may reduce any center glateria.  Status  1)	Oπice Action Summary	Examiner	Art Unit				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ½ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Exercisions of time rays be available under the provisions of 37 CPT 1.13(a), in no event, however, may a rays be timuly filed.  - Exercision of time rays be available under the provisions of 37 CPT 1.13(a), in no event, however, may a rays be timuly filed.  - If No period to rays is specified above, the maximum adulatory pand will exerging KK (MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statulate, cause the application to become ARAHOONED (35 U.S. C. § 133). Any rody, rocket by the folice stell such friese models after the mailing date of this communication, even if timely filed, may reduce any control patient term deplacement. See 37 CPTR 1.74(b).  - Responsive to communication(s) filled on							
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of tem may be available under the provision of 37 CFR 113(6). In a event, however, may a nepty be limitly filled after SIX (6) MONTHS from the mailing date of this communication of 37 CFR 113(6). In a event, however, may a nepty be limitly filled after SIX (6) MONTHS from the mailing date of this communication of the state of t	The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the c	correspondence address				
1)  Responsive to communication(s) filed on	<ul> <li>WHICHEVER IS LONGER, FROM THE MAILING Downstream of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If NO period for reply is specified above, the maximum statutory period of Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing</li> </ul>	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tir will apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONE	N. nely filed the mailing date of this communication. ED (35 U.S.C. § 133).				
This action is FINAL.   2b)   This action is non-final.	Status						
3 ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4 ☐ Claim(s) 1-36 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5 ☐ Claim(s) is/are allowed. 6 ☐ Claim(s) is/are eljected. 7 ☐ Claim(s) is/are objected to. 8 ☐ Claim(s) 1-36 are subject to restriction and/or election requirement.  Application Papers  9 ☐ The specification is objected to by the Examiner. 10 ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11 ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12 ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1 ☐ Certified copies of the priority documents have been received. 2 ☐ Certified copies of the priority documents have been received in Application No 3 ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(e) 1 ☐ Notice of References Cited (PTO-892) 2 ☐ Paper Nots)/Mail Date	1) Responsive to communication(s) filed on						
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)	2a) This action is <b>FINAL</b> . 2b) ☑ This	action is non-final.					
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3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08)  5) Notice of Informal Patent Application							
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## **DETAILED ACTION**

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1 17, drawn to a method for verifying the transfer of a fluid from a first composition to a second composition, classified in class 977, subclass 852.
- Claims 18 25, drawn to a method for monitoring the flow of a reagent or composition, classified in class 977, subclass 962.
- Claims 26 30, drawn to a method for verifying the transfer of a plurality of fluids to a container, classified in class 977, subclass 852.
- 4. Claim 31, drawn to a method for preparing a dilute solution, classified in class 977, subclass 901.
- 5. Claims 32 36, drawn to a method for determining the cleanliness of a reaction vessel, classified in class 977, subclass 841.

The inventions are distinct, each from the other because of the following reasons:

Inventions 1-5, although each invention involves the use of luminescent semiconductor nanocrystals, are directed to unrelated methodologies. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions have different modes of operation and effects.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the

inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Sines whose telephone number is (571) 272-1263. The examiner can normally be reached on Monday - Friday (11 AM - 8 PM EST).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill A. Warden can be reached on (571) 272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian J. Sines Primary Examiner Art Unit 1743